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RICHARD WHITLEY, MS
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State Health Officer

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH DIVISION
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE

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2080 E. Flamingo
Suite 319
Las Vegas, Nevada 89119
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ORDER OF SUMMARY SUSPENSION/REVOCATION OF LICENSE (corrected)

Via Electronic Mail

July 23, 2010

Attention: Bill War, Vice President
Swan Dialysis
2851 N. Tenaya Way Suite 201
Las Vegas, NV 89129

YOU ARE HEREBY NOTIFIED that the HEALTH DIVISION is summarily suspending your license effective immediately, pending revocation of your license. You received verbal notification of this suspension at approximately 4:00pm on 7/21/10. The HEALTH DIVISION finds that the public health, safety or welfare requires this emergency action to suspend your license.

Statutory or Regulatory Authority

Nevada Revised Statutes (NRS) 449.160 provides that the Health Division may suspend/revoke a license upon the grounds that the licensee has violated any of the provisions of state laws and regulations. NRS 449.160 also provides that the Health Division may suspend/revoke a license when the conduct or practice of the facility is detrimental to the health or safety of the occupants or employees of the facility. Notice is not required if the Health Division finds that the public health requires immediate action and the Health Division may order a summary suspension of the license pursuant to NRS 449.170(1). In addition, NRS 233B.127(3) provides that if an agency finds that the public health, safety or welfare imperatively requires emergency action, a summary suspension of a license may be ordered pending proceedings for revocation or other action. Nevada Administrative Code (NAC) 449.0118(3) provides that the Health Division may suspend/revoke a license for operating a facility without a license, if a license is required before operating.

Facts Supporting the Summary Suspension/Revocation

An ongoing recertification survey began on 7-19-10. This survey has revealed numerous violations of state and federal regulations. The deficiencies identified during this investigation will be documented in a statement of deficiencies. It was determined that the facility was not safely providing services to its patients and that the facility was engaging in practices detrimental to the health and safety of the patients as indicated below.

- 1) Lack of proper infection control, with lack of follow-up of infections and improper cleansing of machines
- 2) Lack of professional oversight, specifically RN oversight over dialysis technicians
- 3) Lack of staff competency and training
- 4) Lack of staff training for emergency conditions that may occur during dialysis, yet having those same staff stand in for dialysis technicians

It was also determined that the facility is no longer operating from the location specified on the license. The facility is licensed to provide services at 6021 W Cheyenne Avenue, Las Vegas, NV. It was determined that the facility is no longer operating from this location. The Bureau has not received an application for change of location. In addition, the Bureau has received information indicative that the facility may have undergone a change of ownership, yet no change of ownership application has been received.

Notice of Right to Appeal

Nevada Revised Statutes 449.170(2) affords the facility the right to contest the action of the Health Division. If you wish to oppose this action, you must send a written appeal to Richard Whitley, MS, Health Division Administrator, 4150 Technology Way, Suite 300, Carson City, Nevada 89706. You can fax your written appeal to (775) 684-4211.

In order for you to receive a hearing, the Administrator must receive this written appeal by 5:00 pm on the 10th working day after you have received this notice. The local Bureau of Health Care Quality and Compliance office cannot accept your appeal. Your written appeal must include the following information: a) the action to be contested, b) the name of the division officer or employee who signed this notice, c) the reasons that the appellant believes the action is incorrect, and d) whether or not the appellant is seeking an informal internal resolution prior to the formal appeal process.

You are entitled to be represented by counsel at your own expense in these proceedings. If you retain an attorney, your counsel must notify the Administrator of his or her representation of you.

Effective Date of Suspension

This suspension is effective immediately and an appeal will not stay the suspension pursuant to NAC 439.348. You need to make arrangements for the transfer of the patients to appropriate services. During the verbal notification of this summary suspension you were advised to do the following no later than 12:00pm 7/22/10:

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- 1) Notify all patients you have on service that you will no longer be providing dialysis services.
- 2) Notify all healthcare facilities in which you provide services that you will no longer be providing dialysis services.
- 3) Provide the Bureau with a list of all patients you currently have on service and all facilities you contract with to provide services.

If you have any questions, please contact Paul Shubert at (702)486-6515.

Paul Shubert
For Luana Ritch, Interim Chief

Cc: Richard Whitley, Administrator
Marla McDade Williams, Deputy Administrator
Linda Anderson, Chief Deputy Attorney General